

MELINDA HAAG (CABN 132612)  
United States Attorney

MIRANDA KANE (CABN 150630)  
Chief, Criminal Division

DANIEL R. KALEBA (CABN 223789)  
Assistant United States Attorney  
150 Almaden Boulevard, Suite 900  
San Jose, CA 95113  
Telephone: (408) 535-5061  
Fax: (408) 535-5066  
E-Mail: daniel.kaleba@usdoj.gov

FOR THE COURT

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
ROSA MARIA MARTINEZ, )  
 )  
Defendant. )

No. CR 11-00620 DLJ  
CR 11-00709 DLJ

STIPULATION AND []  
ORDER TO CONTINUE STATUS  
APPEARANCE AND EXCLUDING TIME  
FROM APRIL 19, 2012 TO MAY 31, 2012;  
REFERRAL TO PROBATION OFFICE  
FOR PRE-PLEA PRESENTENCE  
CRIMINAL HISTORY ONLY REPORT

The defendant, ROSA MARIA MARTINEZ, represented by Bruce Funk, Esquire, and the government, represented by Daniel R. Kaleba, Assistant United States Attorney, jointly request that the appearance set for April 19, 2012 be continued to May 31, 2012. The parties have reached an agreement in principle concerning a proposed resolution of the case. Both parties request the preparation of a Presentence Criminal History Only Report by the United States Probation Office to assist with evaluating the defendant's potential sentencing exposure under the United States Sentencing Guidelines. Consequently, the parties request this Court refer this matter to the Probation Office to prepare such a Report.

//

//

1 The parties also jointly request an exclusion of time under the Speedy Trial Act between  
2 April 19, 2012 and May 31, 2012, for the completion of the pre-plea Presentence Criminal  
3 History Report, and to promote the continuity of counsel in the resolution of this matter..

4 IT IS SO STIPULATED.

5  
6 Dated: April 9, 2012

/s/  
\_\_\_\_\_  
BRUCE C. FUNK  
Attorney for Defendant  
ROSA MARTINEZ

7  
8  
9  
10 Dated: April 9, 2012

/s/  
\_\_\_\_\_  
DANIEL R. KALEBA  
Assistant United States Attorney

11  
12  
13 Based upon the representation of counsel and for good cause shown, the Court finds that  
14 failing to exclude the time between April 9, 2012 and May 31, 2012 would unreasonably deny  
15 the defendant continuity of counsel and would deny counsel the reasonable time necessary for  
16 effective preparation, taking into account the exercise of due diligence. 18 U.S.C. §  
17 3161(h)(7)(B)(iv). The Court further finds that the ends of justice served by excluding the time  
18 between April 9, 2012 and May 31, 2012 from computation under the Speedy Trial Act outweigh  
19 the best interests of the public and the defendant in a speedy trial. Therefore, IT IS HEREBY  
20 ORDERED that the time between April 9, 2012 and May 31, 2012 shall be excluded from  
21 computation under the Speedy Trial Act. 18 U.S.C. § 3161(h)(7)(A) and (B)(iv).

22 IT IS FURTHER ORDERED that this matter is referred to the United States Probation  
23 Office to prepare a Presentence Criminal History Only Report for the above named defendant,  
24 and the parties shall assist the Probation Office as necessary in the preparation of such a Report.

25  
26  
27 DATED: \_\_\_\_\_

  
\_\_\_\_\_  
D. LOWELL JENSEN  
United States District Judge

28  
884U[ àæä }